

Name, Address, Telephone No. & I.D. No.

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

325 West "F" Street, San Diego, California 92101-6991

In Re

Debtor.

BANKRUPTCY NO.

Moving Party

RS NO.

Respondent(s)

MOTION FOR RELIEF FROM AUTOMATIC STAY☐**REAL PROPERTY**☐**PERSONAL PROPERTY**

Movant in the above-captioned matter moves this Court for an Order granting relief from the automatic stay on the grounds set forth below.

1. A Petition under Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was filed on _____.
2. Procedural Status:
 - a. ☐ Name of Trustee Appointed (*if any*):
 - b. ☐ Name of Attorney of Record for Trustee (*if any*):
 - c. ☐ (*Optional*) Prior Filing Information:
Debtor has previously filed a Bankruptcy Petition on: _____.
If applicable, the prior case was dismissed on: _____.
 - d. ☐ (*If Chapter 13 case*): Chapter 13 Plan was confirmed on _____ or a confirmation hearing is set for _____.

Movant alleges the following in support of its Motion:

1. ☐ The following real property is the subject of this Motion:
 - a. Street address of the property including county and state:
 - b. Type of real property (e.g., single family residence, apartment building, commercial, industrial, condominium, unimproved):
 - c. Legal description of property is attached as Exhibit A.

- d. If a chapter 11 or 13 case and if non-payment of any post-petition payment is a ground for relief, attach the accounting required by Local Bankruptcy Rule 4001-2(a)(4) as Exhibit B.
- e. *Fair market value of property as set forth in the Debtor's schedules: \$_____.
- f. *Nature of Debtor's interest in the property:

2. ☐ The following personal property is the subject of this Motion (*describe property*):

- a. Fair market value of property as set forth in the Debtor's schedules: \$_____.
- b. Nature of Debtor's interest in the property:

3. *Fair market value of property according to Movant: \$_____.

4. *Nature of Movant's interest in the property:

5. *Status of Movant's loan:
- a. Balance owing on date of Order for Relief: \$_____
- b. Amount of monthly payment: \$_____
- c. Date of last payment: _____
- d. If real property,
- i. Date of default: _____
- ii. Notice of Default recorded on: _____
- iii. Notice of Sale published on: _____
- iv. Foreclosure sale currently scheduled for: _____
- e. If personal property,
- i. Pre-petition default: \$_____ No. of months:_____
- ii. Post-petition default: \$_____ No. of months:_____

6. (*If Chapter 13 Case, state the following:*)
- a. Date of post-petition default: _____
- b. Amount of post-petition default: \$_____

7. Encumbrances:
- a. Voluntary encumbrances on the property listed in the Schedules or otherwise known to Movant:

Lender Name	Principal Balance	(IF KNOWN) Pre-Petition Arrearages Total Amount - # of Months		Post-Petition Arrearages Total Amount - # of Months	
1st:					
2nd:					
3rd:					
4th:					
Totals for all Liens:	\$	\$		\$	

- b. Involuntary encumbrances of record (e.g., tax, mechanic's, judgment and other liens, lis pendens) as listed in schedules or otherwise known to Movant:
- ☐ See attached page, if necessary.

8. Relief from the automatic stay should be granted because:
- a. ☐ Movant's interest in the property described above is not adequately protected.
 - b. ☐ Debtor has no equity in the ☐ real property ☐ personal property described above and such property is not necessary to an effective reorganization.
 - c. ☐ The property is "single asset real estate", as defined in 11 U.S.C. § 101(51B), and 90 days (or _____ days as ordered by this court) have passed since entry of the order for relief in this case, and
 - i. the Debtor/Trustee has not filed a plan of reorganization that has a reasonable possibility of being confirmed within a reasonable time; and
 - ii. the Debtor/Trustee has
 - (1) ☐ not commenced monthly payments to each creditor whose claim is secured by the property (other than a claim secured by a judgment lien or by an unmatured statutory lien), or
 - (2) ☐ commenced payments, but such payments are less than an amount equal to interest at a current fair market rate on the value of each creditors' interest in the property.
 - d. ☐ *Other cause exists as follows (*specify*): ☐ See attached page.

When required, Movant has filed separate Declarations pursuant to Local Bankruptcy Rule 4001-2(a)(5) and (6).

Movant attaches the following:

- 1. ☐ Other relevant evidence:
- 2. ☐ (*Optional*) Memorandum of points and authorities upon which the moving party will rely.

WHEREFORE, Movant prays that this Court issue an Order granting the following:

- ☐ Relief as requested.
- ☐ Other:

Dated:

[Attorney for] Movant



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LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of Washoe, described as follows:

PARCEL 1:

Situate in the Southwest 1/4 of Section 15, Township 19 North, Range 19 East, M.D.B.&M., being more particularly described as follows:

COMMENCING at the Northeast corner of the Southwest 1/4 of the Southwest 1/4 of said Section 15, as shown on Record of Survey Map, filed as No. 197893; thence South 78°06' West 979.84 feet; thence South 51°25' West, 162.00 feet to the place of beginning for this description; thence South 51°25' West, 65.0 feet; thence South 89°18' West, to the Lake Ditch; thence along the Lake Ditch North 1°13' East, 208.79 feet; thence South 76°27' East 35.0 feet; thence South 26°28'30" East, 177.79 feet to the place of beginning.

PARCEL 2:

A 14 foot roadway as shown on the map of TENGANA VIEW SUBDIVISION, filed in the office of the County Recorder of Washoe County, State of Nevada, on October 4, 1955, under File No. 251567.

PARCEL 3:

An easement for vehicular and pedestrian ingress and egress and construction and maintenance of utility purposes as set forth in an instrument recorded March 3, 2000 as Document No. 2432133, Official Records.

APN: 010-430-02

Document Number 2365355 is provided pursuant to the requirements of NRS 111.312